IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BURMAN ET AL. Atty. Ref.: 2466-136; Confirmation No. 3855

Appl. No. 10/581,320 TC/A.U. 2461

Filed: June 2, 2006 Examiner: Beyen, Zewdu A

For: A METHOD AND APPARATUS FOR ESTABLISHING A COMMUNICATION SESSION BETWEEN TWO TERMINALS

* * * * * * * * * * * *

August 4, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Responsive to the Official Action dated May 7, 2010, Applicants request reconsideration and allowance.

Claims 1-10, 12, 14, 17-26, and 28 stand rejected under 35 U.S.C. §10 as allegedly being obvious based on three references: Altschuler (US5465300), Sinnarajah (US2003/0035393), and Naka (US2004/0114532). This rejection is respectfully traversed.

Claims 1, 17, and 31 are concerned with a communication between two user terminals that have differentiated capabilities in terms of conducting multimedia communications sessions. These differentiated capabilities require the determination of common multimedia session parameters depending on the specific capabilities of the two terminals for multimedia communication. Both terminals must use the common multimedia session parameters in order to

execute the multimedia session and exchange multimedia content. But none of the three references applied by the Examiner relates to or teaches a multimedia communication session. This significant deficiency in the rejection is not addressed in the office action.

Altschuler discloses a communication setup method for automatically initiating a secure call setup procedure for a local terminal and a remote terminal if the remote terminal's number or network address is included in an "approved list" 44 at the local terminal. The approved list is created manually by the user of the terminal, see column 4, lines 11-25. If a current user-identity of the remote terminal corresponds to a user-identity in the approved list, an "abbreviated" secure call setup process is performed, see abstract and steps 74 and 80 in Figure 6. This abbreviated setup process is described in Fig. 8 and columns 9-10 and omits the public key encryption steps in the full secure call setup process described in Fig. 7 and col. 9, lines 33-47.

Altschuler's automatic initiation of a secure call setup procedure based on the presence of a user-identity in a manually created "approved list" for encryption is not a teaching of determining multimedia session parameters relating to terminal multimedia communication capabilities.

Altschuler also does not disclose the claim feature of determining whether any multimedia session parameters related to terminal multimedia communication capabilities for a previous session between the same terminals have been stored.

Nor does Altschuler disclose the claim features of retrieving the stored session parameters and executing the requested multimedia session based on those session parameters. Another significant difference is that the claimed technology does not require the user to create an approved list or similar for call setups as required by Altschuler.

The Examiner's most recent rejection does not address the above missing features pointed out in the last response.

In addition to these deficiencies in Altschuler, the Examiner also admits that Altschuler lacks "connection with said previous session, by using at least one available session key that has been selected for said previous session and stored together with said session parameters, and if said common session parameters have been stored in both the calling and the called terminals" and turns to Sinnarajah. Applicants also point out that if Altschuler does not disclose using at least one available session key to determine whether any common session parameters have been stored (as admitted in the office action), then it follows that Altschuler cannot disclose using said at least one session key to retrieve the stored common session parameters in each of the terminals.

Sinnarajah discloses using a "previously stored service configuration" in a call-setup procedure. The Examiner relies on section [0024] of Sinnarajah between a mobile station and a base station. See [0004] "[c]all setup is the process of establishing dedicated physical channels and negotiating service configuration parameters between a mobile station and a base station so that communication can take place." [0024] confirms this: "Service Connect Message 10 is delivered from the base station to the mobile station to end any negotiation." That negotiation is not between two user terminals as in the claims which are directed to the matching of multimedia capabilities in the two terminals to enable a multimedia communication session between them. A base station cannot be reasonably mapped to the claimed calling terminal or the claimed called terminal. The Examiner's most recent rejection does not address this problem with the Examiner's citation of Sinnarajah which was pointed out in the last response.

The Examiner admits that Altschuler and Sinnarajah fail to teach determining "common multimedia session parameters to be used by both the calling terminal and the called terminal during the multimedia session that define how multimedia information should be communicated and interpreted and which depend on multimedia communication capabilities of the calling and called terminals before the session can be executed." For this missing language, the Examiner relies on Naka, and in particular, paragraphs [0053-54].

Naka describes different coding schemes and a method for selecting a coding standard to be used for communications between two terminals. The first terminal and the second terminal transmit various signals to each other to negotiate a coding standard supported by both terminals. The coding modes communicated in [0053] correspond to voice coding standards [0038]. The codec sets supported by each terminal in Naka are limited to one type of media—voice communications. Like Altschuler and Sinnarajah, Naka does not describe a multimedia session, and all of the claimed features relate to a multimedia session and multimedia communication capabilities of the calling and called terminals.

At best, the Examiner has selected isolated features of doubtful relevance from the three references without considering each reference as a whole, and more importantly, the claimed technology as a whole. This is improper hindsight.

The only justification the Examiner provide for combining the three references is that each combination "would benefit the system to" "reduce call setup latency" and "efficiently setup a call." No explanation of why or how these benefits are accomplished in the modified Altschuler system is provided in the office action. And as pointed out in the last response, the Examiner fails to explain why a person of ordinary skill in the art would look to the security provisions in Altschuler to solve the problem of avoiding negotiation of multimedia capability

session parameters for a multimedia session. In addition, Sinnarajah's disclosure regarding mobile-to-base station communication differs significantly from Altschuler, which relates to a call connected between two user terminals. So it is unclear how a person of ordinary skill in the art would have combined the teachings of these two documents. Thus, there is no reasonable basis for modifying Altschuler as the Examiner does based on hindsight.

Even if Altschuler, Sinnarajah, and Naka could be combined for argument purposes, their combination still fails to disclose "establishing a requested multimedia communication session over a given physical channel between a calling terminal and a called terminal having differentiated capabilities," "determining common **multimedia** session parameters to be used by both the calling terminal and the called terminal during the multimedia session that define how multimedia information should be communicated and interpreted and which depend on multimedia communication capabilities of the calling and called terminals before the session can be executed." Nor do they teach determining whether any common session parameters for a previous multimedia communication session between the calling and called terminals have been stored in both the calling and the called terminals in connection with the previous session.

The Examiner contends that Sinnarajah discloses at [0024] "at least one available session key that has been selected for said previous session and stored together with said session parameters" or "retrieving the stored common session parameters in each of the terminals by using said at least one session key in order to execute the requested session based on the retrieved session parameters." Applicants disagree. Neither Sinnarajah alone or in combination with Altschuler and Nada discloses the use of a session key as claimed, i.e., using at least one available session key that has been selected for a previous session and stored together with the session parameters to determine whether any common session parameters have been stored and

then using that session key to retrieve the stored common session parameters in each of the terminals.

Regarding claim 32, 33, and 34, the Examiner fails to point out where Nada teaches that "the session parameters include...multiplexing scheme information indicating how plural information streams can be multiplexed in different ways into a single bitstream to be transmitted over a physical channel established between the terminals for the session." The abstract of Nada says nothing about multiplexing schemes or plural information streams being multiplexed in any way—let alone multiple ways or for a multimedia session.

The Examiner relies on a fourth Coulombe reference in combination with Altschuler, Sinnarajah, and Nada to reject several dependent claims. But the Examiner fails to explaih how Coulombe remedies the deficiencies noted with Altschuler, Sinnarajah, and Nada. Coulombe describes a very different approach than that claimed. Proxy servers not required by the claimed technology are used to receive capability and preference information concerning user agents that want to establish a media session. A proxy server compares the capabilities of the user agents and determines whether an incompatibility exists between them. If so, the proxy server uses an adaptation server to provide the necessary adaptation required to allow the media session to proceed. Rather than the end users negotiating common session parameters that they both can support, Coulombe uses a special adaptation server to bridge differences in capability. The two approaches are quite different.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100